

Memorandum

To: Planning and Zoning Commission

From: Martin Zimmermann, AICP

Date: July 16, 2015

Re: proposed amendments to the text of Bryan Code of Ordinances Chapter 38, Environment, and Chapter 130, Zoning, clarifying the definition of “residential outdoor storage”, permitting residential outdoor storage only in certain areas under certain conditions, and removing provisions in conflict therewith

City staff is proposing that the City Council authorize adoption of provisions governing residential outdoor storage to Chapter 38, Environment, of the Bryan Code of Ordinances. Outdoor storage within a residentially zoned area is currently prohibited by the Zoning Ordinance which states, “Outdoor storage is prohibited (except for materials for the resident’s personal use or consumption, i.e. firewood, gardening materials, etc.)”. This language as written limits staff’s ability to enforce outdoor storage violations due to the mention of “personal use or consumption” within the provision. Staff has consulted with the City’s Legal Department about this matter and was advised that a prosecutor may experience difficulty in prosecuting an outdoor storage case because a defendant can claim that the alleged outdoor storage violation was for personal use or consumption.

Staff recommends adopting new standards addressing residential outdoor storage into Bryan Code of Ordinances Chapter 38, which also includes nuisance and health and sanitation provisions. The proposed standards continue to prohibit residential outdoor storage but differs from the current Zoning Ordinance in that (1) a time element is built into the ordinance for which an item may be continuously stored outdoors (24 hours), (2) outdoor storage is permissible if the items are stored behind privacy screening and do not present a health and sanitation concern, and (3) clarifies that only items built for outdoor environments and use may be stored outdoors. Staff feels adoption of the recommend provisions as they provide the necessary language for successful prosecution of ordinance violations regarding residential outdoor storage and reduce hardships for citizens and staff alike by providing needed leniency for outdoor storage when practiced in accordance with ordinance requirements.

For the same reasons, staff recommends removal of current residential outdoor storage standards from the Zoning Ordinance (Bryan Code of Ordinances Chapter 130). The basis of this recommendation centers on the fact that the Zoning Ordinance has established review and approval processes for commercial outdoor storage through the Site Development Review Committee (SDRC). Residential outdoor storage is not a planned activity applicable to SDRC review and is not a best-fit for enforcement through the Zoning Ordinance.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 130 OF THE BRYAN CITY CODE OF ORDINANCES, BY REMOVING THE PROHIBITION ON RESIDENTIAL OUTDOOR STORAGE; PROVIDING FOR CODIFICATION; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, residential outdoor storage restrictions are generally enforced by City code enforcement staff;

WHEREAS, residential outdoor storage has more in common with other environmental ordinances than with the majority of the zoning ordinances;

WHEREAS, an ordinance has been proposed that will create new, clarified residential outdoor storage definition and enforcement provisions in Chapter 38 (Environment) of the Bryan Code of Ordinances;

WHEREAS, removing residential outdoor storage from the zoning ordinance and regulating it under Chapter 38 of the Bryan Code of Ordinances will simplify citizen communication and ordinance enforcement;

Be it ordained by the City Council of the City of Bryan, Texas:

Section 1.

That Chapter 130, Zoning, Section 130-09, A-O Agricultural-Open District of the Bryan Code of Ordinances is hereby amended to remove the following subsections:

(f) Other regulations:

(1) As established by all other applicable sections and/or ordinances.

(2) Where activity has ceased for one or more years on a property where the most recent land use is a permitted use in this district, a site plan shall be filed in accordance with the provisions of nonresidential and multifamily development, article III of chapter 62, before activity on the property may resume. Single-family dwellings, patio homes, townhouses, and duplexes are exempt from this provision.

(3) Wireless telecommunication facilities shall be allowed only as provided for in section 130-35

~~(4) Outdoor storage and display is prohibited, except for materials for the resident's personal use or consumption, e.g., firewood, gardening materials, etc. or as may be provided for in section 130-34(l).~~

Section 2.

That Chapter 130, Zoning, Section 130-10, RD-7 Residential District - 7000 of the Bryan Code of Ordinances is hereby amended to remove the following subsections:

(g) Special requirements:

(1) No temporary structures, such as recreational vehicles, travel trailers, construction trailers, or mobile homes may be used for on-site dwelling purposes.

~~(2) Outdoor storage is prohibited (except for materials for the resident's personal use or consumption, i.e. firewood, gardening materials, etc.)~~

(3) Where activity has ceased for one or more years on a property where the most recent land use is a permitted use in this district, a site plan shall be filed in accordance with the provisions of the nonresidential and multifamily development, article III of chapter 62, Bryan City Code, before activity on the property may resume. Detached dwellings, patio homes, townhouses, and duplexes are exempt from this provision.

(4) Duplex, patio home, and townhouse dwellings permitted conditionally in this district shall conform to standards as specified in section 130-34

(5) Professional offices, permitted conditionally in this district shall have one driveway. The minimum dimensions shall be 37 feet long by 18 feet wide so as to accommodate four vehicles on the site.

(6) Professional offices, conditionally permitted in this district shall have a minimum of eight percent of the site landscaped.

Section 3.

That Chapter 130, Zoning, Section 130-11, RD-5 Residential District - 5000 of the Bryan Code of Ordinances is hereby amended to remove the following subsections:

(g) Special requirements:

(1) No temporary structures, such as recreational vehicles, travel trailers, construction trailers, or mobile homes may be used for on-site dwelling purposes.

~~(2) Outdoor storage is prohibited (except for materials for the resident's personal use or consumption, i.e. firewood, gardening materials, etc.)~~

(3) Patio homes shall be permitted only on lots specified for such a use in an approved plat (see section 130-34 for criteria). Duplex and townhouse dwellings permitted conditionally in this district shall conform to standards as specified in section 130-34

(4) Where activity has ceased for one or more years on a property where the most recent land use is a permitted use in this district, a site plan shall be filed in accordance with the provisions of nonresidential and multifamily development, article III of chapter 62, Bryan City Code, before activity on the property may resume. Detached dwellings, patio homes, townhouses, and duplexes are exempt from this provision.

Section 4.

That Chapter 130, Zoning, Section 130-12, MF, Multi-Family Residential District of the Bryan Code of Ordinances is hereby amended to remove the following subsections:

(h) Special district requirements:

(1) Single-family units constructed in this district shall conform to RD-5 district standards.

- (2) No temporary structures, such as travel trailers, recreational vehicles, construction trailers, or mobile homes may be used for on-site dwelling purposes.
- ~~(3) Outdoor storage is prohibited.~~
- (4) A paved walkway shall connect the front door of each multifamily ground floor unit to a parking area.
- (5) Refer to section 130-34 for patio home, townhouse, and duplex development criteria.
- (6) Where activity has ceased for one or more years on a property where the most recent land use is a permitted use in this district, a site plan shall be filed in accordance with the provisions of nonresidential and multifamily development, article III of chapter 62, before activity on the property may resume. Single-family dwellings, patio homes, townhouses, and duplexes are exempt from this provision.

Section 5.

That Chapter 130, Zoning, Section 130-13, C-1, Office District of the Bryan Code of Ordinances is hereby amended to remove the following subsections:

- (g) Other regulations:
 - (1) As established by all other applicable sections and/or ordinances.
 - ~~(2) Outdoor storage and display is prohibited, except as may be provided for in section 130-34(1).~~
 - (3) Establishments selling alcoholic beverages shall not be located within 300 feet of a public school, church, or a public hospital. The distance shall be measured as specified in the city Code.
 - (4) Single-family detached dwellings permitted in this district shall conform to standards as specified in the RD-5 district.
 - (5) Where activity has ceased for one or more years on a property where the most recent land use is a permitted use in this district, a site plan shall be filed in accordance with the provisions of nonresidential and multifamily development, article III of chapter 62, before activity on the property may resume. Single-family dwellings, patio homes, townhouses, and duplexes are exempt from this provision.
 - (6) No temporary structures, such as recreational vehicles, travel trailers, construction trailers, or mobile homes may be used for on-site dwelling purposes.
 - (7) Duplex, townhouse, and patio home dwellings permitted conditionally in this district shall conform to standards as specified in section 130-34
 - (8) Wireless telecommunication facilities shall be allowed only as provided for in section 130-35

Section 6.

That Chapter 130, Zoning, Section 130-14, C-2, Retail District of the Bryan Code of Ordinances is hereby amended to remove the following subsections:

- (g) Other regulations:
 - (1) As established by all other applicable sections and/or ordinances.

~~(2) Outdoor storage and display is prohibited, except as may be provided for in section 130-34(1).~~

(3) Establishments selling alcoholic beverages shall not be located within 300 feet of a public school, church, or a public hospital. The distance shall be measured as specified in the city Code.

(4) Single-family detached dwelling permitted in this district shall conform to standards as specified in the RD-5 district. Duplex, townhouse, and patio home dwellings permitted conditionally in this district shall conform to standards as specified in section 130-34

(5) Where activity has ceased for one or more years on a property where the most recent land use is a permitted use in this district, a site plan shall be filed in accordance with the provisions of nonresidential and multifamily development, article III of chapter 62, before activity on the property may resume. Single-family dwellings, patio homes, townhouses, and duplexes are exempt from this provision.

(6) No temporary structures, such as recreational vehicles, travel trailers, construction trailers, or mobile homes may be used for on-site dwelling purposes.

(7) The following regulations are to control contamination of the air, water, or the environment and to safeguard the health, safety, and general welfare of the public. No machine, process or procedure shall be employed on any property in the city, in which:

a. Emission of smoke, dust, noxious, toxic, or lethal gasses are detectable beyond the perimeter of the property.

b. Vibration is discernible beyond the property line.

c. Noise above the average intensity of street traffic is discernible beyond the property line.

d. Materials are stored or accumulated in such a way that they may be carried by rainwater in natural drainage channels beyond the limits of the property, which are noxious, toxic, radioactive, or contain oil or grease.

(8) Wireless telecommunications facilities shall be allowed only as provided for in section 130-35

Section 7.

That Chapter 130, Zoning, Section 130-14, C-3, Commercial District of the Bryan Code of Ordinances is hereby amended to remove the following subsections:

(g) Other regulations:

(1) As established in all other applicable sections and/or ordinances.

(2) Establishments selling alcoholic beverages shall not be located within 300 feet of a public school, church, or a public hospital. The distance shall be measured as specified in the City Code.

(3) Single-family detached dwelling permitted in this district shall conform to standards as specified in the RD-5 district. Duplex, townhouse, and patio home dwellings permitted conditionally in this district shall conform to standards as specified in section 130-34

(4) Where activity has ceased for one or more years on a property where the most recent land use is a permitted use in this district, a site plan shall be filed in accordance with the provisions of nonresidential and multifamily development, article III of chapter 62, before activity on the

property may resume. Single-family dwellings, patio homes, townhouses, and duplexes are exempt from this provision.

(5) No temporary structures, such as recreational vehicles, travel trailers, construction trailers, or mobile homes may be used for on-site dwelling purposes.

(6) The following regulations are to control contamination of the air, water, or the environment and to safeguard the health, safety, and general welfare of the public. No machine, process or procedure shall be employed on any property in the city, in which:

- a. Emission of smoke, dust, noxious, toxic, or lethal gasses are detectable beyond the perimeter of the property.
- b. Vibration is discernible beyond the property line.
- c. Noise above the average intensity of street traffic is discernible beyond the property line.
- d. Materials are stored or accumulated in such a way that they may be carried by rainwater in natural drainage channels beyond the limits of the property, which are noxious, toxic, radioactive, or contain oil or grease.

(7) Wireless telecommunication facilities shall be allowed only as provided for in section 130-35

(8) The following regulations pertain to portable/small commercial structures-permanent which are permitted in this district.

- a. Refer to building setbacks and lot standards, article IV, chapter 62
- b. All fire code requirements must be met.
- c. A written agreement with the property owner for trash pickup must be provided.
- d. All parking requirements must be met.
- e. No portable/small commercial structures shall be allowed in parking lots that do not meet current construction standards or do not presently have an excess of parking for the existing structures utilizing the lot.
- f. The site development review committee must approve vehicle circulation.
- g. The structure must be properly anchored, either to the surface of the lot or it must be on a permanent foundation.
- h. Landscaping must front a minimum of ten percent of the building's facade. Acceptable landscaping of portable/small commercial structures includes the following: raised planter boxes and at grade planting beds.
- i. Restroom facilities for the employer and employees must be provided either inside the structure or via an agreement with the owner of the main structure on the site.

(9) The following regulations pertain to portable/small commercial structures-seasonal which are permitted in this district. Certificate of occupancies for portable/small commercial structures-seasonal shall be granted for a maximum of 60 days, after which time the structure must be removed from the site. An additional certificate of occupancy shall not be granted for the same business for a minimum of six months.

~~(10) Outdoor storage and display is prohibited, except for materials for the resident's personal use or consumption, e.g., firewood, gardening materials, etc., or as may be provided for in section 130-34(l).~~

That Chapter 130, Zoning, Section 130-17, DT-N, Downtown North District of the Bryan Code of Ordinances is hereby amended to remove the following subsections:

(g) Other regulations:

~~(1) Outdoor storage and display is prohibited, except for materials for the resident's personal use or consumption, e.g., firewood, gardening materials, etc. or as may be provided for in section 130-34(1).~~

(2) Establishments selling alcoholic beverages within the DT-N, Downtown North Zoning District shall be exempt from any regulations regarding their proximity to a public school, church, or a public hospital.

(3) Where activity has ceased for one or more years on a property where the most recent land use is a permitted use in this district, a site plan shall be filed in accordance with the provisions of chapter 62, before activity on the property may resume. Single-family dwellings, patio homes, townhouses, and duplexes are exempt from this provision.

(4) Temporary structures including, but not limited to recreational vehicles, travel trailers, manufactured homes, or mobile homes will not be permitted in the DT-N, Downtown North Zoning District.

(5) The following regulations are to control contamination of the air, water, or the environment and to safeguard the health, safety, and general welfare of the public. No machine, process or procedure shall be employed on any property in the city, in which:

- a. Emission of smoke, dust, noxious, toxic, or lethal gasses are detectable beyond the perimeter of the property.
- b. Vibration is discernible beyond the property line.
- c. Materials are stored or accumulated in such a way that they may be carried by rainwater in natural drainage channels beyond the limits of the property, which are noxious, toxic, radioactive, or contain oil or grease.

(6) Wireless telecommunication facilities shall be allowed only as provided for in section 130-35

(7) Special use licenses within the DT-N, Downtown North District shall be allowed only as provided for in section 62-243

Section 9.

That Chapter 130, Zoning, Section 130-18, DT-S, Downtown South District of the Bryan Code of Ordinances is hereby amended to remove the following subsections:

(g) Other regulations.

(1) Establishments selling alcoholic beverages within the DT-S, Downtown South Zoning District shall be exempt from any regulations regarding their proximity to a public school, church, or a public hospital.

(2) Where activity has ceased for one or more years on a property where the most recent land use is a permitted use in this district, a site plan shall be filed in accordance with the provisions of

chapter 62, before activity on the property may resume. Single-family dwellings, patio homes, townhouses, and duplexes are exempt from this provision.

(3) Temporary structures including, but not limited to recreational vehicles, travel trailers, manufactured homes, or mobile homes will not be permitted in the DT-S, Downtown South Zoning District.

(4) The following regulations are to control contamination of the air, water, or the environment and to safeguard the health, safety, and general welfare of the public. No machine, process or procedure shall be employed on any property in the city, in which:

a. Emission of smoke, dust, noxious, toxic, or lethal gasses are detectable beyond the perimeter of the property.

b. Vibration is discernible beyond the property line.

c. Materials are stored or accumulated in such a way that they may be carried by rainwater in natural drainage channels beyond the limits of the property, which are noxious, toxic, radioactive, or contain oil or grease.

(5) Wireless telecommunication facilities shall be allowed only as provided for in section 130-35

(6) Special use licenses within the DT-S, Downtown South District shall be allowed only as provided for in section 62-243.

~~(7) Outdoor storage and display is prohibited, except for materials for the resident's personal use or consumption, e.g., firewood, gardening materials, etc. or as may be provided for in section 130-34(1).~~

Section 10.

That Chapter 130, Zoning, Section 130-19, DT-C, Downtown Civic District of the Bryan Code of Ordinances is hereby amended to remove the following subsections:

(g) Other regulations:

~~(1) Outdoor storage and display is prohibited, except for materials for the resident's personal use or consumption, e.g., firewood, gardening materials, etc. or as may be provided for in section 130-34(1).~~

(2) Establishments selling alcoholic beverages within the DT-C, Downtown Civic Zoning District shall be exempt from any regulations regarding their proximity to a public school, church, or a public hospital.

(3) Where activity has ceased for one or more years on a property where the most recent land use is a permitted use in this district, a site plan shall be filed in accordance with the provisions of chapter 62, before activity on the property may resume. Single-family dwellings, patio homes, townhouses, and duplexes are exempt from this provision.

(4) Temporary structures including, but not limited to recreational vehicles, travel trailers, manufactured homes, or mobile homes will not be permitted in the DT-C, Downtown Civic Zoning District.

(5) The following regulations are to control contamination of the air, water, or the environment and to safeguard the health, safety, and general welfare of the public. No machine, process or procedure shall be employed on any property in the city, in which:

- a. Emission of smoke, dust, noxious, toxic, or lethal gasses are detectable beyond the perimeter of the property.
 - b. Vibration is discernible beyond the property line.
 - c. Materials are stored or accumulated in such a way that they may be carried by rainwater in natural drainage channels beyond the limits of the property, which are noxious, toxic, radioactive, or contain oil or grease.
- (6) Wireless telecommunication facilities shall be allowed only as provided for in section 130-35
- (7) Special use licenses within the DT-C, Downtown Civic District shall be allowed only as provided for in section 62-243.

Section 11.

That Chapter 130, Zoning, Section 130-22, SC-R, South College Residential District of the Bryan Code of Ordinances is hereby amended to remove the following subsections:

- (g) Special requirements:
- (1) No temporary structures, such as recreational vehicles, travel trailers, construction trailers, or mobile homes may be used for on-site dwelling purposes.
 - ~~(2) Outdoor storage is prohibited (except for materials for the resident's personal use or consumption, e.g., firewood, gardening materials, etc.).~~
 - (3) Where activity has ceased for one or more years on a property where the most recent land use is a permitted use in this district, a site plan shall be filed in accordance with the provisions of the chapter 62, before activity on the property may resume. Single-family dwellings, patio homes, townhouses, and duplexes are exempt from this provision.
 - (4) Duplex, patio home, and townhouse dwellings permitted conditionally in this district shall conform to standards as specified in section 130-34
 - (5) Professional offices, permitted conditionally in this district shall have one driveway. The minimum dimensions shall be 40 feet long by 18 feet wide so as to accommodate four vehicles on the site.
 - (6) Professional offices, conditionally permitted in this district shall have a minimum of eight percent of the site landscaped.

Section 12.

That Chapter 130, Zoning, Section 130-29, MU-1, Mixed Use Residential District of the Bryan Code of Ordinances is hereby amended to remove the following subsections:

- (g) Special requirements:
- (1) All mobile/manufactured homes shall be placed, tied down, and secured according to the standards set forth by the chief building official.
 - (2) Mobile homes in licensed mobile home parks shall comply with all applicable requirements as stated in the manufactured/mobile home park ordinance (chapter 74).
 - (3) All mobile/manufactured homes shall be skirted with suitable weatherized material.
 - ~~(4) Outdoor storage is prohibited (except for materials for the single-family resident's personal use or consumption, e.g., firewood, gardening materials, etc.).~~

- (5) Residential dwelling permitted in this district shall conform to standards as specified in the RD-5 district.
- (6) No temporary structures, such as recreational vehicles, travel trailers, or construction trailer (excluding mobile homes) may be used for on-site dwelling purposes.
- (7) Patio homes shall be permitted only on lots specified for such a use in an approved plat (see section 130-34 for criteria). Duplex and townhouse dwellings permitted conditionally in this district shall conform to standards as specified in section 130-34

Section 13.

That Chapter 130, Zoning, Section 130-30, MU-2, Mixed Use District of the Bryan Code of Ordinances is hereby amended to remove the following subsections:

- (g) Special requirements:
 - (1) No temporary structures, such as recreational vehicles, travel trailers, construction trailers, or mobile homes, may be used for on-site dwelling purposes.
 - ~~(2) — Outdoor storage and display is prohibited, except for materials for the single family resident's personal use or consumption, e.g., firewood, gardening materials, etc. or as may be provided for in section 130-34(1).~~

Section 14.

That Chapter 130, Zoning, Section 130-31, R-NC, Residential-Neighborhood Conservation of the Bryan Code of Ordinances is hereby amended to remove the following subsections:

- (g) Special requirements:
 - (1) No temporary structures, such as recreational vehicles, travel trailers, construction trailers, or mobile homes may be used for on-site dwelling purposes.
 - ~~(2) — Outdoor storage is prohibited (except for materials for the resident's personal use or consumption, i.e. firewood, gardening materials, etc.)~~
 - (3) Where activity has ceased for one or more years on a property where the most recent land use is a permitted use in this district, a site plan shall be filed in accordance with the provisions of the nonresidential and multifamily development, article III of chapter 62, Bryan City Code, before activity on the property may resume. Detached dwellings, patio homes, townhouses, and duplexes are exempt from this provision.
 - (4) Duplex, patio home, and townhouse dwellings permitted conditionally in this district shall conform to standards as specified in section 130-34
 - (5) Professional offices, permitted conditionally in this district shall have one driveway. The minimum dimensions shall be 37 feet long by 18 feet wide so as to accommodate four vehicles on the site.
 - (6) Professional offices, conditionally permitted in this district shall have a minimum of eight percent of the site landscaped.

Section 15.

That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 16.

The Bryan City Code, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

Section 17.

If any section, paragraph, sentence, clause, phrase or word of this ordinance is declared unconstitutional or invalid for any purpose, the remainder of this ordinance shall not be affected thereby and to this end the provisions of this ordinance are declared to be severable.

Section 18.

It is hereby found and determined that the meetings at which this ordinance was passed were open to the public, as required by Section 551.001, *et seq.*, of the Texas Government Code, and that advance public notice of the time, place and purpose of said meetings was given.

Section 19.

It is the intention of the City Council that this ordinance shall become a part of the Bryan City Code and it may be renumbered and codified therein accordingly.

Section 20.

This ordinance shall become effective after its second and final reading.

PRESENTED AND GIVEN first reading the ____ day of _____, 2015, at a regular meeting of the City Council of the City of Bryan, Texas; and given second reading, passed and approved on the ____ day of _____, 2015, by a vote of ____ ayes and ____ noes at a regular meeting of the City Council of the City of Bryan, Texas.

ATTEST:

CITY OF BRYAN

Mary Lynne Stratta, City Secretary

Jason P. Bienski, Mayor

APPROVED AS TO FORM:

Janis K. Hampton, City Attorney

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 38 OF THE BRYAN CITY CODE OF ORDINANCES, BY ADDING A NEW SECTION 38-2, ARTICLE I AND A NEW ARTICLE III; CLARIFYING THE DEFINITION OF RESIDENTIAL OUTDOOR STORAGE; PERMITTING RESIDENTIAL OUTDOOR STORAGE ONLY IN CERTAIN AREAS AND UNDER CERTAIN CONDITIONS; PROVIDING FOR EXCEPTIONS AND DEFENSES; RESERVING ADDITIONAL SECTIONS AS NEEDED; PROVIDING FOR CODIFICATION; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, residential outdoor storage, when not handled appropriately, can be both unattractive and dangerous to individuals living on neighboring properties;

WHEREAS, the City's current residential outdoor storage language is broad and can be confusing;

WHEREAS, the Council wishes to preserve the City's overall beauty and the quality of life for all citizens of Bryan by ensuring that neighborhoods are free from debris and inappropriately stored items, while still allowing citizens to utilize their property for appropriate storage;

Be it ordained by the City Council of the City of Bryan, Texas:

Section 1.

That Chapter 38, Environment, Article I, Section 38-2 of the Bryan Code of Ordinances is hereby added as follows:

“Sec. 38-12. Definition of Residential Outdoor Storage. *Residential outdoor storage* means the placement of an item which is not customarily used or stored outside and/or which is not made of a material that is resistant to damage or deterioration from exposure to the outside environment in an unenclosed area for a continuous period in excess of 24 hours on a property where residential use has been authorized.”

Section 2.

Article III, to be entitled “Residential Outdoor Storage,” is hereby created in Chapter 38, Environment, of the Bryan Code of Ordinances.

Section 3.

That Chapter 38, Environment, new Article III, Section 38-126 of the Bryan Code of Ordinances is hereby added as follows:

“Sec. 38-126. Requirements.

Residential outdoor storage shall be prohibited in front of the primary structure of the lot, under a carport, on a front porch, driveway, or any open and unenclosed area visible from any public right-of-way on any property where residential use has been authorized. Residential outdoor storage shall be screened from adjacent properties, streets, and alleys by an opaque screening fence of at least 6 feet, but no more than 8 feet, in height above the grade of the adjacent property. Materials approved for use in screening fences are solid wood (not including plywood, particleboard, or similar composite), masonry (brick or stone), or a combination solid wood and masonry. Corrugated metal or fiberglass panels shall not be used as fence materials. Screening shall be provided that completely blocks the view of materials, commodities, or equipment stored. All screening materials shall be finished on the sides facing public rights-of-way. Screening fences shall comply with all applicable standards for such fences of the Bryan Code of Ordinances. Residential outdoor storage shall not exceed the height of the required screening fence.”

Section 4.

That Chapter 38, Environment, new Article III, Section 38-127 of the Bryan Code of Ordinances is hereby added as follows:

“Sec. 38-127. Exemptions.

Firewood stored in rear or side yards shall be exempt from the screening requirements.”

Section 5.

That Chapter 38, Environment, new Article III, Section 38-128 of the Bryan Code of Ordinances is hereby added as follows:

“Sec. 38-128. Tarps or similar coverings.

Coverage by a tarp or similar covering shall not be a defense to prohibited residential outdoor storage if the items covered otherwise meet the definition.”

Section 6.

That Sections 38-128 through 38-135 of Chapter 38, Environment, new Article III, are hereby reserved for future additions or amendments.

Section 7.

That Sections 38-122 through 38-127 of Chapter 38, Environment, Article I, are hereby reserved for future additions or amendments.

Section 8.

That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 9.

The Bryan City Code, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

Section 10.

If any section, paragraph, sentence, clause, phrase or word of this ordinance is declared unconstitutional or invalid for any purpose, the remainder of this ordinance shall not be affected thereby and to this end the provisions of this ordinance are declared to be severable.

Section 11.

It is hereby found and determined that the meetings at which this ordinance was passed were open to the public, as required by Section 551.001, *et seq.*, of the Texas Government Code, and that advance public notice of the time, place and purpose of said meetings was given.

Section 12.

It is the intention of the City Council that this ordinance shall become a part of the Bryan City Code and it may be renumbered and codified therein accordingly.

Section 13.

This ordinance shall become effective after its second and final reading.

PRESENTED AND GIVEN first reading the ____ day of _____, 2015, at a regular meeting of the City Council of the City of Bryan, Texas; and given second reading, passed and approved on the ____ day of _____, 2015, by a vote of ____ ayes and ____ noes at a regular meeting of the City Council of the City of Bryan, Texas.

ATTEST:

CITY OF BRYAN

Mary Lynne Stratta, City Secretary

Jason P .Bienski, Mayor

APPROVED AS TO FORM:

Janis K. Hampton, City Attorney